

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

ANDRE WINGO,
Plaintiff

v.
CITY OF MILWAUKEE,
OFFICER TENHAKEN AND
OFFICER OZELIE,
Defendants

10CV021465

CIVIL RIGHTS COMPLAINT

Plaintiff, Andre Wingo, hereby moves pursuant to 42 USC 1983 for redress of civil violations imposed on him by the defendants.

Parties to:

Plaintiff:

1.) Andre Wingo is the plaintiff pursuing this action entitled to redress under 42 USC 1983.

Defendants:

2.) The City of Milwaukee is the employer of defendants Tenhaken and Ozelie and as such is Responsible for the conduct of its employees when acting in that capacity for the City.

3.) Officer Tenhaken is a police officer for the city of Milwaukee with the Third District at 200 E. Wells, Milwaukee, Wi.

4.) Officer Ozelie is a police officer for the city of Milwaukee with the Third District at 200 E. Wells Milwaukee, Wi.

COMPLAINT

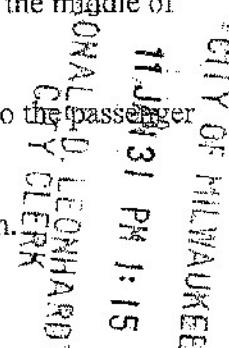
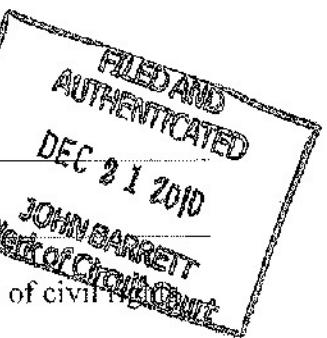
5.) On December 1, 2010, the plaintiff, Andre Wingo(plaintiff) was receiving a ride from Gloria Jackson to a job interview.

6.) As the plaintiff and Jackson were proceeding eastbound on Kilbourn between N. 25th and 24th The plaintiff observed two officers walking on the sidewalk.

7.) One of the officers later discovered to be Officer Tenhaken(Tenhaken) came into the middle of the street in front of Jackson's moving vehicle and ordered her to stop.

8.) The other officer later discovered to be Officer Ozelie(Ozelie) then came around to the passenger Side door of Jackson's car and ordered the plaintiff to get out of the car.

9.) Ozelie then ordered the plaintiff to produce and release his identifying information.



- 10.) After standing in the cold and being detained without cause Ozelie and Tenhaken finally released the plaintiff after discovering the plaintiff was not wanted or violating any law.
- 11.) Tenhaken and Ozelie seized the plaintiff without cause putting themselves and the plaintiff in harms way by getting in front of a moving vehicle causing the driver to slam on her brakes all in violation of the United States Constitution Fourth Amendment.
- 12.) The City of Milwaukee has allowed its police officers as custom to seizing passenger of Vehicles when there is no cause to act in such manner.
- 13.) The City, Tenhaken, and Ozelie all acted together to violate the plaintiff's civil rights under the United States Constitution Fourth Amendment.

LEGAL THEORY

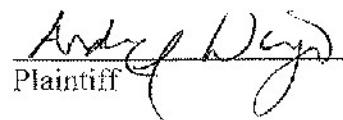
- 14.) Even as a passenger inside of a vehicle the plaintiff still had a right to assert his rights under the United States Constitution Fourth Amendment to be free of illegal searches and seizures. See Brendlin v. California 551 US 249, 127 S.Ct. 2400, 168 L.ed.2d. 132(2007).
- 15.) Municipalities that allow as custom violations of civil liberties are liable for that conduct. See Monell v. Dept of Social Services 436 US 658, 98 S.Ct. 2018, 56 L.ed. 2d. 611(1978).

RELIEF REQUESTED

- 16.) The plaintiff requests that the court enter judgment for compensatory damages in the amount of \$5,000,000 against the City, Tenhaken and Ozelie in their individual capacity, jointly and severally for depriving the plaintiff of his civil liberties.
- 17.) The plaintiff further requests punitive damages in the amount of \$5,000,000 because of the Callous, reckless, and intentional disregard for the plaintiff's rights against the City, Tenhaken and Ozelie in their individual capacity, jointly and severally.
- 18.) The plaintiff further requests injunctive relief that the City create policy observing the rights of passengers as observed by the United States Supreme Court in Brendlin.

Dated this 21st day of December 2010

Submitted:


Plaintiff